

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2932

By: McCullough

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5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68
8 O.S. 2011, Sections 1504, 1506 and 1507, which relate
9 to coin-operated music and amusement devices;
10 authorizing certain decal issuance refusals;
11 requiring certain notices; adjusting certain fine
12 amounts; placing certain limitation on authority to
13 seize devices; repealing 68 O.S. 2011, Section 1508,
14 which relates to a criminal misdemeanor for unlawful
15 operation of coin-operated devices; and providing an
16 effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1504, is
19 amended to read as follows:

20 Section 1504. Any person owning a coin-operated device or
21 operating the premises where the same is to be operated or exposed
22 to the public, shall apply to the Oklahoma Tax Commission for a
23 decal for such device and shall, at the same time, pay to the
24 Oklahoma Tax Commission the annual fee herein levied. The Oklahoma
Tax Commission shall, upon receipt of such payment and approval of
such application, issue a decal for the type of coin-operated device
covered by such application and payment. The decal and application

1 provided for herein shall be prescribed by the Oklahoma Tax
2 Commission, and shall contain such information and description as
3 shall be required by rule of said Commission. Any number of coin-
4 operated devices may be included in one application. Before any
5 coin-operated device is put in operation or placed where the same
6 may be operated by any of the public, and at all times when the same
7 is being operated or available to any of the public for operation, a
8 decal shall be firmly affixed to the coin-operated device covered
9 thereby, and plainly visible to and readable by the public. The Tax
10 Commission may refuse to issue a decal to any person delinquent in
11 the payment of the fees provided in Section 1503 of this title or
12 the penalties levied in Section 1506 of this title. Provided, the
13 Tax Commission shall provide notice of its intent to refuse as
14 required in Section 1506 of this title.

15 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1506, is
16 amended to read as follows:

17 Section 1506. A. Any owner of a coin-operated device who
18 places such device in operation or in a place available to the
19 public for operation, and any person who permits a coin-operated
20 device to be in operation or accessible to the public for operation
21 in his place of business, without a decal affixed as required by
22 Section 1504 of this title, shall be liable for the fee on such
23 device at the full annual rate as herein levied and shall be liable
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1 to a penalty, in addition to the amount of the fee, in the ~~amount of~~
2 ~~One Hundred Dollars (\$100.00)~~ following amounts:

3 1. For any coin-operated music devise, coin-operated amusement
4 device, or coin-operated vending device requiring a coin or thing of
5 value of twenty-five cents (\$0.25) or more, One Hundred Dollars
6 (\$100.00); and

7 2. For any other coin-operated device, Ten Dollars (\$10.00).

8 B. The Tax Commission shall notify any owner or person of the
9 assessment of penalty and provide the owner or person thirty (30)
10 days to remit the penalty. The Tax Commission shall not refuse to
11 issue a decal under Section 1504 of this title until after the
12 expiration of the thirty (30) days provided in this subsection.

13 SECTION 3. AMENDATORY 68 O.S. 2011, Section 1507, is
14 amended to read as follows:

15 Section 1507. Where any coin-operated device as hereinbefore
16 defined is placed on location, or~~7~~ after having been placed on
17 location is there left without the decal affixed thereon as herein
18 provided, the device, including all cash in the receptacle thereof,
19 shall be considered forfeited to the State of Oklahoma~~7~~ and may be
20 sealed until released by the Tax Commission or seized by any
21 authorized agent of the Oklahoma Tax Commission, or any sheriff,
22 constable, or other peace officer of this state, and upon so being
23 seized shall, together with the cash, if any, contained in the
24 receptacle of such device, forthwith~~7~~ be delivered to the Oklahoma

1 Tax Commission. Provided, no device shall be seized less than
2 fifteen (15) days after the sealing of the device and notice being
3 placed on the device informing the owner that the device is subject
4 to seizure if the applicable fees are not paid and decal affixed.

5 The Oklahoma Tax Commission shall then proceed to hear and determine
6 the matter of whether or not the device and cash, if any, should, in
7 fact, be forfeited to the State of Oklahoma. The owner of the
8 device shall be given at least ten (10) days' notice of the date of
9 the hearing. In the event said Commission finds that the device
10 including the cash contents, if any, should be forfeited to the
11 State of Oklahoma, it shall make an order forfeiting the same to the
12 State of Oklahoma, and directing the sale of such device. The
13 device shall be sold in the county where seized or in Oklahoma
14 County, at the discretion of the Commission, after ten (10) days'
15 notice, which notice shall be by posting five notices in conspicuous
16 places in the county where the sale is to be made, one of which
17 notices shall be posted on the bulletin board at the county
18 courthouse of said county. The sale shall be for cash, and the
19 proceeds thereof shall be applied as follows: ~~(1)~~

20 1. To the payment of the costs incident to the seizure and
21 sale; ~~(2)~~

22 2. To the payment of any taxes, including penalties, that may
23 have accrued against the device; and ~~(3)~~

24 3. The balance, if any, shall be remitted to the owner.

1 The cash contained in any device and forfeited under the
2 provisions of this section shall be forfeited as an additional tax
3 penalty and shall be in addition to all other penalties provided for
4 in Sections 1501 through 1512 of this title. The order of the Tax
5 Commission, declaring a forfeiture of the device including the cash
6 contents thereof, if any, and directing the sale of such device
7 shall be a final order and may be appealed from as provided for in
8 the Uniform Tax Procedure Act. It shall be the duty of all
9 sheriffs, constables and other peace officers to cooperate with the
10 Oklahoma Tax Commission in the enforcement of the seizure and
11 forfeiture provisions of this section.

12 SECTION 4. REPEALER 68 O.S. 2011, Section 1508, is
13 hereby repealed.

14 SECTION 5. This act shall become effective November 1, 2016.

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